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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re Sandisk SSDS Litigation

This Document Relates To: All Actions

CASE NO. 23-cv-04152-VC

NOTICE OF RELATED CASE

Judge: Hon. Vince Chhabria

Krum Complaint Filed: August 15,
2023

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiffs Emilio Pousa and Gerald Gott (“*Pousa* Plaintiffs”) hereby respectfully submit this Notice of Related Case, identifying a related action pending in the Northern District of California, pursuant to Civil L.R. 3-12.

I. APPLICABLE STANDARD UNDER CIVIL L.R. 3-12

Under Civil Local Rule 3-12, an “action is related to another when: (1) the actions concern substantially the same parties, property, transaction or event, and (2) It appears likely that there will be an unduly burdensome duplication of labor and

expense or conflicting results if the cases are conducted before different Judges.” Civil L.R. 3-12(a).

Whenever a party knows or believes that an action may be related to an action which is or was pending in the Northern District said party “must promptly file in the lowest-numbered case an Administrative Motion to Consider Whether Cases Should be Related, pursuant to Civil L.R. 7-11.” Civil L.R. 3-12(b). That motion must include, “(1) The title and case number of each apparently related case; (2) A brief statement of the relationship of the actions according to the criteria set forth in Civil L.R. 3-12(a).” Civil L.R. 3-12(d).

II. RELATED CASE

On August 29, 2023, Plaintiff Brian McKinney filed a class action complaint in the Superior Court of California, Santa Clara County, captioned *McKinney v. SanDisk LLC*, et al, Case No. 23CV422051. On October 31, 2023, the *McKinney* case was removed by Defendants to the United States District Court for the Northern District of California (Case No. 5:23-cv-05603-SVK) and was assigned to Magistrate Judge Susan van Keulen.

The *McKinney* action involves the same or similar allegations, transactions and events as alleged in the Complaints that were consolidated by this Court on October 25, 2023 in *In re Sandisk SSDS Litigation*, as well as includes a similarly defined class of plaintiffs. The *Pousa* Plaintiffs believe there will be significant duplication of labor and expense and a risk of conflicting results if the *McKinney* action is not related to the *In re Sandisk SSDS Litigation* action and assigned to this Court.

As has taken place in the other related actions, counsel in either one of the related actions or in the *McKinney* action will promptly be filing an Administrative Motion to Consider Whether Cases Should be Related, identifying this action as related to the *In re Sandisk SSDS Litigation* consolidated actions.

Dated: November 1, 2023

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury that I am employed with WHATLEY KALLAS LLP, whose address is 16870 W. Bernardo Dr., Suite 400, San Diego, CA 92127. I am over the age of eighteen years and not a party to this action; that I served the below named persons the following documents:

NOTICE OF RELATED CASE

- ☐ By personally delivering copies to the person served at the following address:
- ☒ Via the Court's electronic notification system to the addressees in court's file;
- ☒ Via Electronic Mail (**as noted**). I caused the foregoing documents to be sent to the addressees named below via their email addresses as set forth.
- ☐ By Overnight Mail. By placing a Federal Express Envelope addressed to the named party on the service list attached hereto and depositing said envelope in the Federal Express Pickup Box located on Willow Creek Road in San Diego, California 92131.
- ☐ Via U.S. Mail. By placing a copy in a separate envelope, with postage fully prepaid, for each addressee named below and depositing each for collection and mailing pursuant to the ordinary business practice of this office, which mail is deposited with the U.S. Postal Service on the same day at San Diego, California.

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Executed this 1st day of November 2023 at San Diego, California.



ALAN M. MANSFIELD